



Report to the Auburn City Council

Action Item

Agenda Item No. 2

City Manager Approval

To: Mayor and City Council Members

From: Jack Warren, Director of Public Works/City Engineer
Bernie Schroeder, Engineering Division Manager
Megan Siren, Administrative Analyst

Date: June 8, 2009

Subject: Program Supplement Agreement – Borland Avenue/Highway 49 Signal Upgrade Project

The Issue

Shall the City of Auburn authorize the Director of Public Works to execute the Program Supplement Agreement with the Department of Transportation for the Borland Avenue/Highway 49 Signal Upgrade Project?

Conclusion and Recommendation

Staff recommends that City Council, **BY RESOLUTION**, authorize the Director of Public Works to execute the Program Supplement No. M002 Rev. 1 for Project Number STPLH-5077 (004), in the amount of \$405,000 for the Borland Avenue/Highway 49 Signal Upgrade Project.

Background

The City of Auburn received a Hazard Elimination and Safety Grant in 2003 and in 2006. The project has been modified due to Caltrans staff and available funding. The Program Supplement No. M002 Rev. 1 includes funding for the construction phase of the project in the amount of \$378,000 with a required local match of \$42,000 which is met by the Local Transportation Fund.

The City has been authorized through California Department of Transportation to proceed with construction for the Borland Avenue/Highway 49 Signal Upgrade Project. The City Council authorized advertising of the project on May 26, 2009.

Alternatives Available to Council; Implications of Alternatives

1. Accept Staff Recommendations
2. Take no action.

Fiscal Impact

Funding for this project is primarily from the federal funds that are administered by the State of California Department of Transportation under the Hazard Elimination and Safety Program. The matching funds required by the grant are to be provided by the Local Transportation and Gas Tax funds to be programmed in the 2009/10 Operating Budget.

Attachments:

Program Supplement No. 005-N1 to Administering Agency-State Agreement for Federal Aid Project No. CMLL-5077(010)
Department of Transportation letter dated July 11, 2008

DEPARTMENT OF TRANSPORTATION

Division of Local Assistance
1120 N STREET
P.O. BOX 942874, MS# 1
Sacramento, CA 94274-0001
TTY 711
(916) 654-3151
Fax (916) 653-7621



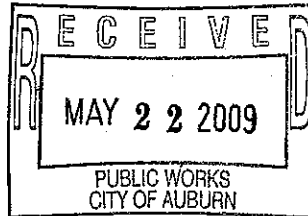
May 21, 2009

File : 03-PLA-49-AUB

STPLH-5077(004)

Borland Ave/East Lincoln Way @
SR49

Mr. Bernie Schroeder
Engineering Manager
City of Auburn
1225 Lincoln Way
Auburn, CA 95603



Dear Mr. Schroeder:

Enclosed are two originals of the Program Supplement Agreement No. 002-M1 to Administering Agency-State Agreement No. 03-5077 and an approved Finance Letter for the subject project. Please retain the signed Finance Letter for your records.

Please note that federal funding will be lost if you proceed with future phase(s) of the project prior to getting the "Authorization to Proceed" with that phase.

Please review the covenants and sign both copies of this Agreement and return both to this office, Office of Project Implementation - MS1 within 60 days from the date of this letter. If the signed Agreements are not received back in this office within 60 days, funds will be disencumbered and/or deobligated. Alterations should not be made to the agreement language or funding. Attach your local agency's certified authorizing resolution that clearly identifies the project and the official authorized to execute the agreement. A fully executed copy of the agreement will be returned to you upon ratification by Caltrans. No invoices for reimbursement can be processed until the agreement is fully executed.

In accordance to Government Code 16304, Federal funds appropriated by the State budget are available for liquidation only for seven years and the State funds are available only for five years. The attached Finance Letter shows these deadlines as the "Reversion Date". Please ensure that your invoices are submitted at least 60 days prior to the reversion date to avoid any lapse of funds. If your agency is unable to seek reimbursement by this date you may request an extension through a Cooperative Work Agreement (CWA). A CWA is subject to the final approval of the State Department of Finance. If approved, the CWA may extend the deadline for up to one year for federal funds and up to three years for State funds.

Please note that Government Code 16304 does not supersede any other more restrictive expenditure deadlines.

Your prompt action is requested. If you have questions, please contact your District Local Assistance Engineer.

Sincerely,


BILL SANDOVAL, Chief
Office of Project Implementation - North
Division of Local Assistance

Enclosure

PROGRAM SUPPLEMENT NO. M002 Rev. 1
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO. 03-5077

Date: May 18, 2009
Location: 03-PLA-49-AUB
Project Number: STPLH-5077(004)
E.A. Number: 03-928455

This Program Supplement hereby incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 12/06/02 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____, approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by State of any funds derived from sources noted below obligated to this project, the Administering Agency accepts and will comply with the Special covenants or Remarks set forth in the following pages.

PROJECT LOCATION:

3orland Ave/East Lincoln Way @ SR49

TYPE OF WORK: Upgrade Signals

LENGTH: 0 (MILES)

| Estimated Cost | Federal Funds | | Matching Funds | | |
|----------------|---------------|-----------------------------|----------------|--------|--------|
| | | | LOCAL | | OTHER |
| \$465,000.00 | H280 LS30 | \$27,000.00 \$378,000.00 | \$60,000.00 | \$0.00 | \$0.00 |

CITY OF AUBURN

STATE OF CALIFORNIA
Department of Transportation

By _____

By _____

Date _____

Chief, Office of Project Implementation
Division of Local Assistance

Attest _____

Date _____

Title _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer  Date 5/18/09 \$405,000.00

| Chapter | Statutes | Item | Year | Program | BC | Category | Fund Source | AMOUNT |
|---------|----------|--------------|-----------|---------------|----|----------|-------------|------------|
| 208 | 2004 | 2660-102-890 | 2004-2005 | 20.30.010.530 | C | 255020 | 892-F | 27,000.00 |
| 268 | 2008 | 2660-102-890 | 2008-2009 | 20.30.010.530 | C | 255020 | 892-F | 378,000.00 |

SPECIAL COVENANTS OR REMARKS

1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
2. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days after the project contract award. A copy of the award package shall also be included with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract to:

Department of Transportation
Division of Accounting
Local Programs Accounting Branch, MS #33
P. O. Box 942874
Sacramento, CA 94274-0001.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

3. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
4. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (5) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund

STPLH-5077(004)

SPECIAL COVENANTS OR REMARKS

reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations, and invoice payments for any on-going or future federal-aid project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation

SPECIAL COVENANTS OR REMARKS

Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

7. Any State and Federal funds that may have been encumbered for this project are only available for disbursement for a period of five (6) years and seven (7) years, respectively, from the start of the fiscal year(s) that those funds were appropriated within the State Budget Act. All project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested and is approved by the California Department of Finance per Government Code Section 16304. The exact date of each fund reversion will be reflected in the approved finance letter(s) issued for this project.

Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement that is not submitted to the Department on or before 60 days after that applicable fixed fund reversion date will not be paid from that fiscal year's encumbered funds because all of these unexpended funds will be irrevocably reverted by the Department's Division of Accounting on that date.

Pursuant to a directive from the State Controller's Office and the Department of Finance, the last date to submit invoices for reimbursed work in each fiscal year is May 15th in order for payment to be made out of those then current appropriations. Project work performed and invoiced after May 15th will be

SPECIAL COVENANTS OR REMARKS

reimbursed only out of available funding that might be encumbered in the subsequent fiscal year, and then only when those funds are actually allocated and encumbered as authorized by the California Transportation Commission and the Department's Accounting Office.

8. "As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS)."

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RESOLUTION NO. 08-

RESOLUTION AUTHORIZING THE PROGRAM SUPPLEMENT AGREEMENT WITH
THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE
BORLAND AVENUE/HIGHWAY 49 SIGNAL UPGRADE PROJECT FUNDED BY
HAZARD ELIMINATION AND SAFETY PROGRAM.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby authorize the
Director of Public Works to execute the Program Supplement No. M002 Rev. 1
for Project Number STPLH-5077(004), in the amount of \$405,000 for the
Borland Avenue/Highway 49 Signal Upgrade Project.

A true and correct copy of said Program Supplement is attached hereto as
Exhibit "A."

DATED: June 8, 2009

J.M. Holmes, Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
that the foregoing resolution was duly passed at a regular session meeting of
the City Council of the City of Auburn held on the 8th day of June 2009 by the
following vote on roll call:

Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk